IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

INCOME-TAX APPLICATION NO. 93 OF 1995

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : J.P. DEVADHAR AND
B.P. DHARMADHIKARI, JJ.
APRIL 21, 2007.

Heard Shri Jaiswal, learned counsel for the applicant and Shri Dewani, learned counsel for the respondent.

This application is filed by the revenue under Section 256(2) of the Income-tax Act, 1961, raising the following question of law :

“1. Whether on the facts and in the circumstances of the case, the Tribunal was justified in law in cancelling the penalty imposed by the Assessing Officer under Section 271(1)(c) of the Income-tax Act and confirmed by the CIT(A) ?

2. Whether on the facts and in the circumstances of the case, the Tribunal was justified in law in holding that it cannot be said that this assessee concealed the particulars of his income or furnished inaccurate particulars

of his income even though the provisions of explanation 5 to Section 271(1)(c) of the Act were applicable to the facts of this case ?"

The Assessment Year involved herein is Assesment Year 1990-91.

In view of the smallness of the tax effect and decision of this Court in the case of C.I.T. vs. Pithwa Engineering Works, reported at (2005) 276 ITR 519, we do not consider this to be a fit case for calling a statement of the case.

Accordingly application is dismissed. Rule discharged. No costs.

JUDGE **JUDGE**

*GS.